IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE C.N.RAMACHANDRAN NAIR

WEDNESDAY, THE 5TH SEPTEMBER 2007 / 14TH BHADRA 1929

RP.No. 626 of 2007(V)

AGAINST THE JUDGEMENT/ORDER IN WPC.1236/2006 Dated 14/03/2006

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2ND RESPONDENT:

ALDOSE MATHEW, S/O.LATE N.V.MATHEW,
RESIDING AT NELKUNNESSERY HOUSE, HOUSE NO.125/45,
PACHALAM, KOCHI-12.

BY ADV. SRI.ALDOSE MATHEW(PARTY IN PERSON)

RESPONDENTS: PETITIONER AND 1`ST RESPONDENT:

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1. CICILY MATHEW, W/O.MATHEW,
C.C.NO.45/124, KORAYA ROAD, PACHALAM, KOCHI-12.

2. CORPORATION OF KOCHI, KOCHI-31,
REPRESENTED BY ITS SECRETARY, ERNAKULAM.

R2 BY ADV. SMT.ANU SIVARAMAN NAIR, SC, COCHIN CORP
SRI.C.UNNIKRISHNAN (KOLLAM)

THIS REVIEW PETITION HAVING BEEN FINALLY HEARD ON 05/09/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

C.N.RAMACHANDRAN NAIR,J.

R.P.NO. 626 OF 2007 IN
W.P.C. NO. 1236 OF 2006

Dated this the 5th day of September, 2007

O R D E R

Heard counsel for the Review Petitioner, and counsel appearing for the respondents in the R.P. Review Petition is filed on the ground that the building claimed by the first respondent in the RP does not belong to her but the building belongs to some other person. I do not think that this Court should settle this issue in the R.P. because this was not an issue raised and decided in the judgment against which RP is filed. In fact, it is observed in the judgment that right in respect of the property is to be settled by civil court. If the Corporation needs ownership certificate or lease or licence for considering the application for licence, it is upto the Corporation to demand it from the applicant. Even though there is no ground for allowing the RP in terms of the prayer, I am constrained to observe that first respondent in the Review Petition prima facie violated the judgment in as much as under cover of occupying the building for residence she allowed it to be used for

business without taking licence from the Corporation. Under interim orders of this Court, the Corporation has now closed down the building and the key is with them. In the circumstances, I dispose of the Review Petition with direction to the Corporation to release the key to the first respondent only on executing a bond stating the purpose for which the building is going to be used and if any business is proposed, key should be handed over only after Corporation considers the application for licence and grants the same. If there is any violation of the licence conditions, Corporation will order closure of business. If Bond condition with regard to use of building is violated, Corporation will repossess the building. Review petitioner can inform the Corporation and any complaint from him should be investigated forthwith and action should be taken by the Corporation.

(C.N.RAMACHANDRAN NAIR)
Judge